

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-275-D

ANN ROBINSON,)
)
Plaintiff,)
)
v.)
)
NATIONAL RAILROAD PASSENGER)
CORPORATION (AMTRACK),)
)
Defendant.)

ORDER

On September 1, 2015, National Railroad Passenger Corp. (“Amtrak”) moved for an order dismissing this case unless plaintiff complies with the parties’ settlement agreement and awarding attorneys’ fees and costs related to its motion. See [D.E. 30]. Plaintiff did not respond. As explained below, Amtrack’s motion is granted.

Plaintiff and Amtrak entered into a binding settlement of this case, and plaintiff has failed without justification to comply with the terms of that settlement. Therefore, the court orders that no later than October 30, 2015, plaintiff shall (1) retain counsel admitted to practice before this court and (2) provide Amtrak the necessary written confirmation from the Centers for Medicare & Medicaid Services and any entities responsible for other Medicare-related plans of which she may be a beneficiary, including her Medicare replacement plan, regarding all final Medicare lien amounts. No later than October 30, 2015, plaintiff shall file a notice with the court certifying her compliance with this order. If plaintiff fails to comply with this order by October 30, 2015, the court will dismiss plaintiff’s case with prejudice. Cf. Hathcock v. Navistar Int’l Transp. Corp., 53 F.3d 36, 40–41 (4th Cir. 1995).

The court also finds that, based on the record, counsel for plaintiff, Robert P. Rovegno, an attorney admitted to practice before the United States District Court for the Eastern District of New

York, has failed without justification to obtain counsel admitted to practice before this court. Rovegno's failure violates the court's Local Rules and the court's order entered November 12, 2014. Such action was unreasonable, vexatious, wanton, and taken in bad faith. Accordingly, pursuant to 28 U.S.C. § 1927 and the court's inherent authority, the court awards Amtrak its attorneys' fees and costs related to this motion. Counsel for Amtrak shall submit a properly supported request for attorneys' fees and costs by October 30, 2015. This award of attorneys' fees and costs is specifically taxed against counsel for plaintiff, Robert P. Rovegno.

SO ORDERED. This 6 day of October 2015.



JAMES C. DEVER III
Chief United States District Judge